

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - FLINT**

EARL SULLIVAN, # 156184,
Plaintiff(s),

CASE NO.: 2-05-CV-74919-DT

vs.

HON. DENISE PAGE HOOD
MAG. JUDGE WALLACE CAPEL, JR.

GEORGE PRAMSTALLER, M.D., et. al.,
Defendant(s).

**ORDER DENYING PLAINTIFF'S MOTION
FOR APPOINTMENT OF COUNSEL; AND
MOTION FOR REQUEST FOR PRODUCTION
OF DOCUMENTS**

This matter is before the Court on Plaintiff's Application For Appointment Of Counsel. The Plaintiff, who was an inmate at the Mound Correctional Facility at the time of the alleged claims brings this action under 42 U.S.C. § 1983. The Plaintiff alleges violation of his 8th. Amendment Rights. The Plaintiff states that he was denied access to competent medical care and that the Defendants were deliberately indifferent to his medical needs.

In support of the request for counsel, the Plaintiff states that that counsel should be appointed because of the complex nature of this matter. He also states that counsel should be appointed because he will need to conduct depositions after document discovery in this matter.

Except in rare circumstances, it is the practice of this Court to consider the appointment of counsel in prisoner civil rights cases only after a motion to dismiss or for summary judgment has been decided. While Plaintiff indicates that this action involves legal claims and medical issues that may require expert testimony, it is uncertain at this juncture exactly what Plaintiff's claims are due to the illegibility of the complaint. Further, because this matter is still in its infancy, the Court will defer making a decision on the appointment of counsel until, as stated

above, either after a motion to dismiss or for summary judgment has been decided.

IT IS HEREBY ORDERED that Plaintiff's motions for appointment of counsel is **DENIED WITHOUT PREJUDICE** pending a review of a dispositive motion in this matter.

The Plaintiff has also filed an "Affidavit In Support Of Plaintiff's Motion For Request For Production Of Documents" on February 22, 2006. Having considered the motion, the Court finds that the motion is premature at this point. The Plaintiff may renew his request for production of documents after he files his more definite statement and the Defendants have filed a responsive pleading in this matter. Accordingly, the motion for production of documents is hereby **DENIED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

The parties are hereby informed that any objection to this order must be filed with the district court within ten days after being served with a copy thereof, pursuant to Rule 72(a), Federal Rules of Civil Procedure.

DATED: March 30, 2006

s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on **March 30, 2006**, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: ll, Kimberley A. Koester, Esq., Cori E. Reyes, Esq., and I hereby certify that I have mailed by United States Postal service the paper to the following non-ECF participants: Earl Sullivan, #156184, Ojibway Correctional Facility, N5705 Ojibway Rd., Marenisco, MI 49947

s/James P. Peltier
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